

## SELF-SERVICE CENTER

### INSTRUCTIONS: HOW TO FILE YOUR AGREEMENT TO MODIFY PARENTING TIME ("VISITATION") or PARENTING TIME AND CHILD SUPPORT

Use this packet to change parenting time, or to change parenting time **and** child support. **Do not** use this packet to change **only** child support.

**STEP 1 Determine whether this court has the authority to hear your case. Either party or the child(ren) must live in Maricopa County to file for modification in this county:**

- A. If the Court Order you want to change is from Maricopa County, Arizona:**
- ☐ Use your copy of the Order, or get a copy of the Order from Court Records. You will need a copy of the Order to fill out the paperwork.
- B. If the Court Order you want to change is from another county in Arizona:**
- ☐ Get a certified copy of the Order you want to change from the other county, **AND**
- ☐ Bring the certified copy with you when you come to the Clerk of the Court to file your court papers, **AND**
- ☐ Give the certified copy of the Order to the Clerk **before** filing any additional paperwork, **AND**
- ☐ The Clerk will file the Order and assign a case number to your new case.
- C. If the Court Order you want to change is from a state OTHER THAN Arizona:**
- ☐ Talk to a lawyer who can tell you what requirements are necessary for you to file for modification in Arizona.

**STEP 2 Decide whether you need to change parenting time and child support or just parenting time.** In making your decision, you should know that the number of parenting time days the non-custodial parent has may affect the amount of child support he/she must pay. If child support does not change, **do not** fill out the forms related to child support. These forms include: ***"Child Support Worksheet;" "Order of Assignment;" "Current Employer Information Sheet" and "Order Stopping Order of Assignment.;"***

**STEP 3 Complete the forms in this packet IF both parties agree to ask the court to modify or change an existing Court Order for parenting time and/or child support.**

- ☐ Have in front of you a copy of the current parenting plan (if you have one), ***"Parenting Time Order"***, the ***"Child Support Order,"*** and any ***"Order of Assignment."*** You will need to look at these documents to complete all the paperwork now.
- ☐ Use the ***"Parent-Child Access Guidelines"*** to help you make your new Parenting Time Parenting Plan.
- ☐ Use the ***"Child Support Guidelines"*** and the ***"Parent's Worksheet"*** to help you understand whether, in light of the proposed new parenting time arrangement, the child support payments need to be changed. If you are changing parenting time and child

support, you might need to stop a current ***“Order of Assignment,”*** and/or have an ***“Order of Assignment”*** issued, depending on which parent will now pay support. These forms are included in the forms packet.

- ☐ Remember that the court must do what is in the best interests of the child(ren). Even if both parties agree to parenting time and/or support, the judge will look over all the papers and decide what Order to make.

#### **STEP 4      Complete the *“Stipulation to Modify the Prior Court Order Regarding Parenting Time and/or Support.”***

- ☐ In the top left corner of the first page, write in all information requested about the Petitioner and the Respondent. Both parties stay “Petitioner” or “Respondent” as on the Court Order you are agreeing to modify,
- ☐ Fill in the section that says Name of Petitioner and Name of Respondent, exactly as it appears on your original Divorce, Paternity, or Child Custody papers. If your original case was a Paternity, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Maricopa County, write in your name as Petitioner and the other party as Respondent.
- ☐ Fill in your case number on the line next to Case Number using your original case number from your Divorce, Paternity, or Parenting Time/Child Support papers. If your court order was from another county, make sure you follow the steps above. Use the new case number the Clerk of the Court assigns you. Check the box to say whether you want to change parenting time or parenting time **and** child support.
- ☐ Read paragraph 1 (one). Make sure this statement is true.
- ☐ Read paragraph 2 (two). Write in the date the judge signed the Order you want to change, and then write in the name of the judge who signed the Order you want to change. Follow the instructions in paragraph two about attaching a copy of the Order.
- ☐ Read paragraph 3 (three). Make sure this statement is true.
- ☐ Then both you and the other party must sign and date the Stipulation.

#### **STEP 5      Complete the *“Order Modifying Parenting Time and/or Child Support.”***

- ☐ In the top left corner of the first page, write in all information requested about the Petitioner and the Respondent. Both parties stay “Petitioner” or “Respondent” as on the Court Order you are agreeing to modify,
- ☐ Fill in the section that says Name of Petitioner and Name of Respondent, exactly as it appears on your original Divorce, Paternity, or Child Custody papers. If your original case was a Paternity, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Maricopa County, write in your name as Petitioner and the other party as Respondent.
- ☐ Fill in your case number on the line next to Case Number using your original case number from your Divorce, Paternity, or Child Custody papers. If your court order was from another county, make sure you follow the steps above. Use the new case number

the Clerk of the Court assigns you. Then check the box to say whether you want to change parenting time or parenting time and child support.

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**THE COURT FINDS:**

Paragraph 3 (three). Write in the name(s) of the child(ren), their birth date(s) and their age(s).

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**THE COURT ORDERS:**

**Paragraph 1** (one): Write in the date the Custody Order you want to change was signed by the judge.

**Paragraph A:** Parenting Time. Make sure you and the other party fill out, sign and attach a Parenting Plan.

**Paragraph B:** Child Support. If you are asking to have child support changed, check the box in front of "Child Support." Then check the box to say whether mother or father will pay child support, and then write in the amount of child support that person will pay each month. If you both agree there should be a deviation in child support, write in why there should be a deviation in the space provided.

**Paragraph C:** Medical and Dental Insurance, Payments and Expenses. Check the box to say whether mother or father will provide insurance. Then write in what percentage mother will pay of the uninsured medical and dental expenses.

**Paragraph E:** Other Orders. If there are other orders you both agree that you want the court to make related to your case, write in the other orders.

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If the judge approves your Stipulation, he/she will date and sign the Order. Leave this space blank.

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You and the other party must sign the Order in front of a Notary Public. If you are represented by an attorney, the attorney must sign the Order. If the Attorney General is involved in your case because of child support issues, the Attorney General must also sign the Order.

**STEP 6: Complete the other necessary documents that support your decision to change custody, Parenting Time and support.**

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**Parenting Plan.** Use the **"Parent Child Access Guidelines"** to help you complete this form.

Hints to help you complete the Parenting Plan.

1. State your Parenting Time arrangements as clearly as possible. For example, **Alternating weekends from after work on Friday, at 6:00 p.m. until Sunday at 6:00 p.m.**
2. Avoid vague or unclear statements such as "will share, will divide, or will decide later." These statements may result in future disputes related to different interpretations. Although flexibility and mutual agreement is encouraged, the document must be specific to be legally enforceable.

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**Child Support Worksheet.** See the **"Arizona Child Support Guidelines"** to help you complete this form if you are asking to have child support changed. Attached are the documents that are required to modify or change the child support order. Because you and the other party agree to change Parenting Time, **BOTH OF YOU MUST SIGN** the Worksheet. **IF YOU DO NOT AGREE, YOU CANNOT USE THIS PACKET.** See the Self-Service Packet on Parenting Time and/or Child Support, to Change an Existing Court Order.

The Clerk of Superior Court can help you complete the **"Child Support Worksheet"**. To schedule an appointment, contact the Support Orders Unit at 602-506-3762. The Support Orders Unit is located at the Central Court Building, 201 West Jefferson, 1st floor, Phoenix, Arizona.

If you schedule an appointment, please bring the following things to your appointment:

- A copy of **"Child Support Order"** you want to modify or change.
- Monthly gross income for both parties
- Amount of monthly child support paid for in another case for both parties
- Amount of monthly spousal maintenance/support paid for in this case or in another case for both parties
- Monthly medical insurance premium paid for child(ren) in this case for both parties
- Monthly child care costs for child(ren) in this case for both parties
- Extra education expenses for child(ren) of this case (i.e. private school tuition) for both parties
- Cost of meeting needs for gifted or handicapped child(ren) in this case for both parties

- ☐ **Order of Assignment and Employer Information Sheet.** This document is required whenever child support is paid by one party. See the instructions in this packet to help you fill out this Order.
- ☐ **Order Stopping an Order of Assignment and Employer Information Sheet.** This document is required whenever child support has been ordered and you need to have child support stopped. See the instructions in this packet to help you fill out this Order.